

## Request for City Council Committee Action From the City Attorney's Office

Date:

October 25, 2013

To:

Committee of the Whole

Referral to:

Subject:

- 1. Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Poliution and Environment:
  - a) Chapter 46 relating to Hazardous Waste Generation, Handling, Storage and Disposal.
  - b) Chapter 47 relating to Energy and Air Pollution.
  - c) Chapter 48 relating to Minneapolis Watershed Management Authority.
  - d) Chapter 50 relating to Minneapolis Waste Control and Waste Discharge Rules.
  - e) Chapter 51 relating to Fumigating.
  - g) Chapter 52 relating to Erosion and Sediment Control and Drainage.
  - h) Chapter 54 relating to Storm Water Management.
  - i) Chapter 55 relating to Lawn Fertilizer.
  - j) Chapter 56 relating to Prohibited Discharges to Sanitary or Combined Sewer.
  - k) Chapter 57 relating to Mercury Reduction.
  - I) Chapter 59 relating to Construction Activities.
- 2. Amending Title 4 of the Minneapolis Code of Ordinances relating to Animals and Fowl:
  - a) Chapter 62 relating to In General.
  - b) Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits.
  - c) Chapter 65 relating to Ferrets.
  - d) Chapter 66 relating to Rabies Control.
  - e) Chapter 68 relating to Pet Shops, Kennels, etc.
  - f) Chapter 70 relating to Fowl, Pigeons, and Other Small Animals.
  - g) Chapter 72 relating to Diseased, Injured or Dead Animals.
  - h) Chapter 74 relating to Miscellaneous Regulations.
  - i) Chapter 76 relating to Stables.
- 3. Amending Title 5 of the Minneapolis Code of Ordinances relating to Building Code:
  - a) Chapter 91 relating to Permit Fees.
  - b) Chapter 93 relating to Safety Precautions: Protection of Public Property.
  - c) Chapter 95 relating to Projections and Encroachments.
  - d) Chapter 101 relating to Plumbing.
  - e) Chapter 103 relating to Gas Piping.
  - f) Chapter 105 relating to Heating, Air Conditioning and Refrigeration.
  - g) Chapter 107 relating to Elevators, Escalators, Hoists and Lifts.
  - h) Chapter 108 relating to Parking Ramps.
  - i) Chapter 111 relating to Swimming Pools.
  - j) Chapter 113 relating to Retaining Walls.
  - k) Chapter 115 relating to Building Moving.
  - I) Chapter 117 relating to Wrecking.
- 4. Amending Title 8 of the Minneapolis Code of Ordinances relating to Consumer Protection:
  - a) Chapter 154 relating to Consumer Affairs Division.
  - b) Chapter 160 relating to Weights and Measures.
- Amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Burglar and Holdup Alarm Systems
- Amending Title 10 of the Minneapolis Code of Ordinances relating to the Food Code:
  - a) Chapter 186 relating to In General.

- b) Chapter 188 relating to Administration and Licensing.
- c) Chapter 190 relating to Meat and Meat Products.
- d) Chapter 192 relating to Bread.
- e) Chapter 194 relating to Eggs.
- f) Chapter 196 relating to Water for Drinking and Domestic Purposes.
- g) Chapter 198 relating to Soft Drink Manufacture and Storage.
- h) Chapter 200 relating to Milk and Dairy Products.
- Chapter 201 relating to Public Markets.
- j) Chapter 202 relating to Municipal Market.
- k) Chapter 204 relating to Environmental Preservation: Environmentally Acceptable Packaging.
- 7. Amending Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation:
  - a) Chapter 215 relating to Polluted Water Wells.
  - b) Chapter 216 relating to Water Well Construction.
  - c) Chapter 217 relating to Deaths and Burials.
  - d) Chapter 219 relating to Contagious Diseases.
  - e) Chapter 225 relating to Garbage and Refuse.
  - f) Chapter 227 relating to Nuisances Generally.
  - g) Chapter 229 relating to Pest and Vermin Control.
  - h) Chapter 230 relating to Pesticide Control.
  - i) Chapter 231 relating to Public Swimming Pool Code.
  - j) Chapter 232 relating to Suntanning Facilities.
  - k) Chapter 233 relating to Ozone-Depleting Compounds.
  - I) Chapter 234 relating to Indoor Smoking.
  - m) Chapter 235 relating to Dogs in Outdoor Food and Liquor Establishments.
- 8. Amending Title 12 of the Minneapolis Code of Ordinances relating to Housing:
  - a) Chapter 240 relating to Lead Poisoning Prevention and Control.
  - b) Chapter 242 relating to Appeals.
  - c) Chapter 244 relating to Maintenance Code.
  - d) Chapter 246 relating to Residential Rehabilitation Grants.
  - e) Chapter 247 relating to Housing Finance Program.
  - f) Chapter 248 relating to Truth In Sale of Housing.
  - g) Chapter 249 relating to Vacant Dwelling or Building, Nuisance Condition.
- 9. Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations:
  - a) Chapter 259 relating to In General.
  - b) Chapter 261 relating to License Fees Generally.
  - c) Chapter 264 relating to Outdoor Pay Telephones.
  - d) Chapter 265 relating to Special Permits for Specific Businesses and Uses.
  - e) Chapter 266 relating to Rental Halls.
  - f) Chapter 267 relating to Amusements.
  - g) Chapter 268 relating to Lawful Gambling.
  - h) Chapter 269 relating to Asphalt Shingle and Roofing Material Manufacture.
  - i) Chapter 271 relating to Auctions and Auctioneers.
  - j) Chapter 272 relating to Resin Manufacturing.
  - k) Chapter 277 relating to Building Trades Licenses.
  - I) Chapter 278 relating to Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers.
  - m) Chapter 279 relating to Christmas Tree Dealers.
  - n) Chapter 281 relating to Tobacco Dealers.
  - o) Chapter 283 relating to Courtesy Benches.
  - p) Chapter 285 relating to Dancing Schools.
  - q) Chapter 287 relating to Filling Stations and Bulk Oil Plants.
  - r) Chapter 289 relating to Fire Extinguisher Sales and Service.
  - s) Chapter 291 relating to Fuel Dealers.
  - t) Chapter 293 relating to Going Out of Business Sales.
  - u) Chapter 295 relating to Groceterias and Portable Stores.
  - v) Chapter 296 relating to Hospitals.
  - w) Chapter 297 relating to Hotels.

- x) Chapter 297A relating to Bed and Breakfast Facilities.
- y) Chapter 299 relating to Ice Sale and Manufacture.
- z) Chapter 301 relating to Laundries and Dry Cleaning Establishments.
- aa) Chapter 303 relating to Horse and Carriage Livery Services.
- bb) Chapter 304 relating to Hoofed and/or Small Animal Service.
- cc) Chapter 305 relating to Pedicabs.
- dd) Chapter 306 relating to Commercial Pedal Car.
- ee) Chapter 307 relating to Valet Parking.
- ff) Chapter 309 relating to Extended Hours of Operation.
- gg) Chapter 311 relating to Motor Scooter Leasing.
- hh) Chapter 313 relating to Motor Vehicle Dealers.
- ii) Chapter 315 relating to Motor Vehicle Lubricant Dealers.
- jj) Chapter 317 relating to Motor Vehicle Repair Garages.
- kk) Chapter 319 relating to Open Air Motor Vehicle Parking Lots.
- II) Chapter 320 relating to Vehicle Immobilization Service.
- mm) Chapter 321 relating to Secondhand Dealers.
- nn) Chapter 322 relating to Precious Metal Dealers.
- oo) Chapter 324 relating to Pawnbrokers.
- pp) Chapter 325 relating to Pest Control.
- qq) Chapter 327 relating to Rental Automobile Odometer Inspection.
- rr) Chapter 331 relating to Sidewalk Flower Cart Vendors.
- ss) Chapter 332 relating to Solicitors, Peddlers and Transient Merchants.
- tt) Chapter 335 relating to Street Photographers.
- uu) Chapter 339 relating to Body Art Code.
- vv) Chapter 341 relating to Taxicabs.
- ww) Chapter 347 relating to Tree Servicing.
- xx) Chapter 348 relating to Used Motor Vehicle Parts Dealer.
- yy) Chapter 349 relating to Wreckers and Tow Trucks.
- zz) Chapter 350 relating to Recycling Activities and Salvage Yards.
- 10. Amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer:
  - a) Chapter 360 relating to In General.
  - b) Chapter 362 relating to Liquor Licenses.
  - c) Chapter 363 relating to Wine Licenses.
  - d) Chapter 366 relating to Beer Licenses.
- Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code:
  - a) Chapter 520 relating to Introductory Provisions.
  - b) Chapter 525 relating to Administration and Enforcement.
  - c) Chapter 543 relating to On-Premise Signs.
  - d) Chapter 544 relating to Off-Premise Advertising Signs and Billboards.
- 12. Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.
- 13. Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations.

**Recommendation:** That the City Council approve the amendments to:

- Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environment.
  - a) Chapter 46 relating to Hazardous Waste Generation, Handling, Storage and Disposal.
  - b) Chapter 47 relating to Energy and Air Pollution.
  - c) Chapter 48 relating to Minneapolis Watershed Management Authority.
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  - j) Chapter 56 relating to Prohibited Discharges to Sanitary or Combined Sewer.

- k) Chapter 57 relating to Mercury Reduction.
- I) Chapter 59 relating to Construction Activities.
- Title 4 of the Minneapolis Code of Ordinances relating to Animals and Fowl:
  - a) Chapter 62 relating to In General.
  - b) Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits.
  - c) Chapter 65 relating to Ferrets.
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  - g) Chapter 72 relating to Diseased, Injured or Dead Animals.
  - h) Chapter 74 relating to Miscellaneous Regulations.
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- 3. Title 5 of the Minneapolis Code of Ordinances relating to Building Code:
  - a) Chapter 91 relating to Permit Fees.
  - b) Chapter 93 relating to Safety Precautions: Protection of Public Property.
  - c) Chapter 95 relating to Projections and Encroachments.
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## **Previous Directives:** Prepared by: Peter W., Ginder Phone: (612) 673-2478 Apprøved.bw Susan L. Segal City Attorney Presenter in Committee: Susan L. Segal, City Attorney Financial Impact (Check those that apply) No financial impact (If checked, go directly to Background/Supporting Information). \_ Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_ Operating Budget. Action provides increased revenue for appropriation increase. \_\_\_ Action requires use of contingency or reserves. Business Plan: \_\_\_\_ Action is within the plan. \_\_\_\_ Action requires a change to plan. Other financial impact (Explain): Request provided to department's finance contact when provided to the Committee Coordinator. Community Impact Neighborhood Notification City Goal(s): Comprehensive Plan Zoning Code

## Background/Supporting Information

Other

In December, 2012, the City approved the reorganization of the Department of Regulatory Services. In brief, the duties and functions of the housing inspections, problem properties, animal control, traffic control and fire inspection services remain with the reorganized Regulatory Services Department; the duties and functions of construction code services, Minneapolis development review, and business licensing were transferred to the Community Planning and Economic Development Department; and, the duties and functions of environmental management were transferred to the

Department of Health and Family Support except that the duties and functions of the rain leader disconnect program were transferred to Public Works.

The reorganization of the Department of Regulatory Services has impacted numerous ordinances. In addition to the impact due to the reorganization, numerous ordinances needed to be reviewed and amended because they have not kept pace with operational and organizational changes through the years. In January, 2013, the City Council, in order to ensure that the necessary authority existed in ordinance for the departments to continue the work of the transferred functions and duties, passed ordinance amendments with general grants of authority to CPED and the Health Department to exercise the authority granted in ordinance to Regulatory Services.

Since January, the CAO and the affected departments have worked to complete this review for the amendment of the ordinances. The amendments capture the changed duties of the various departments. For example, in Title 3, references to the Department of Regulatory Services were changed to the Minneapolis Department of Health to reflect the transferred duties and functions. Similarly, references to the Department of Inspections in Title 5 were changed to the Building Official. Many references to specific positions were changed to more general department language in order to simplify the language and allow the language to be unaffected by job title changes or internal department reorganizations. Certain minor changes are also recommended to the affected ordinances to reflect current department operations. We are recommending that these amendments be approved by the City Council.